

Notice of Allowability

Application No.

09/816,839

Examiner

F. Pierre VanderVegt

Applicant(s)

FUNG ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper filed August 27, 2004.
2. ☒ The allowed claim(s) is/are 19,20,22-27 and 34-37.
3. ☒ The drawings filed on 23 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 02102005 .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment that places this application in condition for allowance. During a telephone conversation conducted on February 10, 2005, Cheryl Liljestrand requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 20-0087 the required fee of \$60.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS:

Non-elected claims 28-30, 32 and 33 have been canceled without prejudice or disclaimer of Applicant's right to pursue the subject matter thereof in a continuing application.

Claims 34 and 35, drawn to a diagnostic method of detecting C2 or C2a in a sample, have been rejoined and are allowed.

In claim 19, line 1, the term --isolated-- has been inserted prior to the recitation of "antibody" and the first recitation of "C2a" has been replaced by the phrase --the C2a fragment of complement protein C2--.

In claim 19, line 3, the term --antibody to C2 of-- has been inserted prior to the recitation of "1:2" and the recitation of "(antibody to C2)" has been deleted.

In claim 20, line 1, the term --isolated-- has been inserted prior to the recitation of "antibody" and the first recitation of "C2a" has been replaced by the phrase --the C2a fragment of complement protein C2--.

In claim 20, line 3, the term --antibody to C2 of-- has been inserted prior to the recitation of "1:2" and the recitation of "(antibody to C2)" has been deleted.

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In claim 22, line 1, the phrase --or C2a binding fragment thereof-- has been inserted before the recitation of "of".

In claim 23, line 1, the phrase --or C2a binding fragment thereof-- has been inserted before the recitation of "of".

In claim 24, line 1, the recitation of "monoclonal antibody" has been replaced by the phrase --antibody or C2a binding fragment thereof-- and the term --monoclonal-- has been added after the recitation of "wherein the".

In claim 27, line 1, the phrase --or C2a binding fragment thereof-- has been inserted before the recitation of "of".

In claim 34, line 2, the phrase --or C2a binding fragment thereof-- has been inserted after the recitation of "antibody".

In claim 36, line 1, the term --isolated-- has been inserted prior to the recitation of "antibody" and the first recitation of "C2a" has been replaced by the phrase --the C2a fragment of complement protein C2--.

In claim 36, line 3, the term --antibody to C2 of-- has been inserted prior to the recitation of "1:2" and the recitation of "(antibody to C2)" has been deleted.

In claim 37, line 1, the term --isolated-- has been inserted prior to the recitation of "antibody" and the phrase --or C2a binding fragment thereof-- has been inserted before the recitation of "of".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Pierre VanderVegt whose telephone number is (571) 272-0852. The examiner can normally be reached on M-Th 6:30-4:00; Alternate Fridays 6:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Pierre VanderVegt, Ph.D. *RV*
Patent Examiner
February 22, 2005

Christina Chan
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JULY 15, 2004 PATENT EXAMINER
CLERK CENTER 1600